

REMARKS

By the preceding amendments, claims 1 through 20 have been cancelled and have been replaced by claims 21 through 28. Claims 21 through 27 are process claims. Claim 28 is a product-by-process claim having multiple dependency.

Claim 21 calls for a step of "enhancing the surface abrasiveness of a given one of the expansive surfaces, as compared to the surface abrasiveness of the other one of the expansive surfaces, by applying **only** a binder composition to the given one of the expansive surfaces, whereby the expansive surface having **only** the binder applied thereto has an enhanced coefficient of friction, as compared to the coefficient of friction of the expansive surface not having the binder applied thereto." Emphasis added.

The specification teaches on page 1, in lines 10, 11, and 12 that "[a] binder composition may be applied on the relatively abrasive surface to enhance its abrasiveness." The specification teaches on page 2, in lines 23, 24, and 25 that "[p]referably, the binder composition is selected to enhance the surface abrasiveness of this side of the wipe, thus enhancing its suitability for scrubbing applications." The specification teaches on page 2, in lines 28 and 29, that "... application of a binder is preferred for enhancing its surface abrasiveness." The specification teaches on page 7, in lines 14, 15, and 16 that "... use of a binder composition is contemplated for many applications in order to provide the second surface of the wipe with the desired degree of abrasiveness." The specification teaches on page 12, in lines 12 through 16, that "[w]hile the present disclosure has principally been directed to achieving enhanced surface abrasiveness by adding a very hard binder composition evenly on the open fibrous side of the fabric, it is, of

course, possible to add the hard binder with a pattern to achieve the desired roughness or abrasiveness required for different purposes."

The undersigned attorney disagrees with the examiner where the examiner has assumed "that any material that adheres to a fabric substrate would meet the 'abrasiveness' limitations of the claims." The MSN Encarata Dictionary defines a "binder" as "a substance added to form dry ingredients into a solid mass or to maintain an even consistency throughout a liquid or semi-liquid substance." The definition of a "binder" as "a substance added to form dry ingredients into a solid mass" is applicable here. Not every material that adheres to a fabric substrate is binder enhancing surface abrasiveness. As an example, an ink stain adhering to a fabric substrate is not a binder enhancing surface abrasiveness.

M.P.E.P. § 2164.01 [Rev. 1, Feb. 2003] sets forth the test of enablement as requiring "that the claimed invention be enabled so that any person skilled in the art can make and use the invention without undue experimentation." M.P.E.P. § 2164.01(a) [Rev. 1, Feb. 2003] sets forth factors (A) through (H) to be considered in determining whether any necessary experimentation is "undue" and cautions that "[i]t is improper to conclude that a disclosure is not enabling based on an analysis of only one of the above factors while ignoring one or more of the others" and that "[t]he examiner's analysis must consider all the evidence related to each of these factors, and any conclusion of nonenablement must be based on the evidence as a whole." The undersigned attorney submits, respectfully, that the examiner's conclusion of nonenablement has not been based on a sufficient analysis of the previously filed affidavit of Dianne B. Ellis.

As explained in the previously filed affidavit of Dianne B. Ellis, such enhancement of surface abrasiveness does not depend upon the binder being abrasive, having any particular composition, or being of any particular type. As she noted in her affidavit that she would expect, persons of ordinary skill in the art, once taught by the specification, would be readily able to select a suitable binder, whether hard or soft, which might be a polymeric binder of any of various types used commonly in nonwoven fabrics. The undersigned attorney submits, that any person skilled in the art, once taught by the specification, would be readily able to select a suitable binder, for use in the claimed invention, without undue experimentation. The undersigned attorney submits, therefore, that claims 21 through 28 are supported by an enabling disclosure, as required by 35 U.S.C. § 112, first paragraph.

Several of the cancelled claims were rejected as being anticipated by Anderson (US 6,103,061) which discloses a "bonding" material applied to one side of a fibrous web. Others of the cancelled claims were rejected as being unpatentable over Anderson in view of Buyofsky *et al.* (US 4,810,568). However, the "bonding" material of Anderson is applied to soften the fibrous web, not to enhance its surface abrasiveness. Hence, Anderson teaches away from the claimed invention, as claimed in the claims presented by the preceding amendments.

Several of the cancelled claims were rejected as being unpatentable over Welch *et al.* (US 6,022,818) in view of Wong *et al.* (US 5,213,568). The examiner has characterized Welch *et al.* as not teaching "applying an abrasive coating to the fabric for cleaning purposes" and has characterized Wong *et al.* as

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disclosing "adding abrasive particles in a coating to nonwoven wiping materials to enhance soil and stain removal performance[.]"

The claims presented by the preceding amendments do not call for or involve adding abrasive particles in a coating. Rather, claim 21, upon which the other claims presented by the preceding amendments depend directly or indirectly, calls for "applying **only** a binder composition to the given one of the expansive surfaces, whereby the expansive surface having **only** the binder applied thereto has an enhanced coefficient of friction, as compared to the coefficient of friction of the expansive surface not having the binder applied thereto." The undersigned attorney submits that neither Wong *et al.* nor any of the other references of record discloses or suggests that applying **only** a binder composition can enhance surface abrasiveness.

The undersigned attorney submits, therefore, that claims 21 through 28 are patentable and should be now allowed.

Respectfully submitted,

By Allen J. Hoover
Allen J. Hoover
Reg. No. 24,103

Wood, Phillips, Katz, Clark & Mortimer
Citicorp Center, Suite 3800
500 West Madison Street
Chicago, Illinois 60661-2511
Telephone (312) 876-1800
Facsimile (312) 876-2020
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